



CITY CLERK

## CITY OF SAN JOSÉ, CALIFORNIA

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STATE OF CALIFORNIA           )  
COUNTY OF SANTA CLARA    )  
CITY OF SAN JOSE             )

I, Patricia L. O'Hearn, City Clerk and Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 26455**", the original copy of which is attached hereto, was passed for publication of title on the **14<sup>th</sup> day of August, 2001**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **28<sup>th</sup> day of August, 2001**, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, DANDO, DIQUISTO, LeZOTTE,  
REED, SHIRAKAWA, WILLIAMS, YEAGER; GONZALES

NOES: NONE

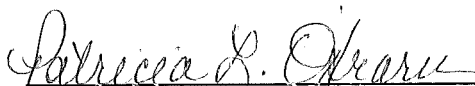
ABSENT: NONE

DISQ: NONE

VACANT: NONE

Said ordinance is effective as of **September 28, 2001**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **30<sup>th</sup> day of August, 2001**.

(SEAL)   
PATRICIA L. O'HEARN  
CITY CLERK AND EX-OFFICIO  
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 26455

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING VARIOUS SECTIONS IN CHAPTERS 20.10, 20.30, 20.40, 20.50, 20.80, 20.90, 20.100, 20.150 AND 20.200, AND ADDING VARIOUS SECTIONS TO ALTER THE DEVELOPMENT REGULATIONS IN COMMERCIAL AND RESIDENTIAL ZONING DISTRICTS, TO INCLUDE PROVISIONS REQUIRING CERTAIN VEHICLE-RELATED USES TO OCCUR WITHIN FULLY ENCLOSED BUILDINGS, TO REQUIRE A CONDITIONAL USE PERMIT FOR USES WITHOUT A PERMANENT, FULLY ENCLOSED BUILDING ON-SITE IN INDUSTRIAL DISTRICTS, TO ALLOW FOR OUTDOOR VENDING IN CERTAIN INDUSTRIAL DISTRICTS WITH AN ADMINISTRATIVE PERMIT, TO INCLUDE "LEASING OF PASSENGER VEHICLES" AS A CONDITIONAL USE IN THE LI INDUSTRIAL ZONING DISTRICT, TO CHANGE "CONSTRUCTION/CORPORATION YARD" IN THE LI INDUSTRIAL ZONING DISTRICT TO A CONDITIONAL USE, TO INCLUDE A REQUIREMENT THAT PAY TELEPHONES ON PRIVATE PROPERTY BE LOCATED ON THE SAME WALL AS A PRIMARY ENTRANCE TO THE USE OF THE SITE, TO INCLUDE AN ADDITIONAL FINDING OF 350 SQUARE FEET MAXIMUM WHEN CONSIDERING AN EXCEPTION TO REQUIRED PARKING FOR A ONE-FAMILY DWELLING, TO INCLUDE A STANDARD CONDITION FOR WINDOW GLAZING FOR GROUND FLOOR RETAIL COMMERCIAL USES, TO INCLUDE AMORTIZATION PROVISIONS FOR LEGAL NONCONFORMING INCIDENTAL DANCING AND MUSIC IN PUBLIC EATING AND DRINKING ESTABLISHMENTS, TO REESTABLISH PROVISIONS PROHIBITING RESIDENTIAL USES THAT PROVIDE SERVICES TO RESIDENTS FROM PROVIDING SERVICES TO NONRESIDENTS AND AMENDING SEVERAL SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO CORRECT TYPOGRAPHICAL ERRORS IN AND IMPLEMENT CLARIFYING AND TECHNICAL CHANGES TO THE RECENTLY REVISED AND ADOPTED ZONING CODE

**WHEREAS**, on July 25, 2001, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP 01-08-136.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** Section 20.10.060 of Chapter 20.10 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.10.060 Zoning Districts Established**

- A. In order to regulate and restrict the location of residences, professions, businesses, trades, and industries, to regulate and restrict the location, height, and size of buildings and structures hereafter erected, enlarged or altered, and to regulate and determine the area, depth, and width of yards, setback areas, and other open spaces, the following classes of City zoning districts are hereby established, as set forth in Table 20-10:

Table 20-10 City Zoning Districts		
Zoning District	Zoning Map Symbol	Alternative Zoning Map Symbol
OS Open Space	OS	OS
A Agricultural	A	A
Rural Residential Residence District (1DU/5 Acres)	R-1-RR	None
R-1-1 Residence District (1DU/Acre)	R-1-1	R-1-B-3
R-1-2 Residence District (2DU/Acre)	R-1-2	R-1-B-2
R-1-5 Residence District (5DU/Acre)	R-1-5	R-1-B-8, R-1-B-1
R-1-8 Residence District (8DU/Acre)	R-1-8	R-1, R-1-B-6
R-2 Residence District (2DU/Lot)	R-2	R-2
R-M Residence District (Multiple Unit/Lot)	R-M	R-3, R-3-F, R-3-A, R-3-B, R-3-C, R-4
R-MH District (mobilehome parks, travel trailer parks)	R-MH	T-M
CO Office Commercial District	CO	C-L, C
CP Pedestrian Commercial District	CP	C-1
CN Neighborhood Commercial District	CN	C-2
CG General Commercial District	CG	C-3
IP Industrial Park District	IP	L-R, IP-a, IP-b, IP-c, IP-d, I
LI Light Industrial District	LI	M-1
HI Heavy Industrial District	HI	M-4

The foregoing zoning districts are listed in descending order of restrictiveness, that is, with the most restrictive district listed first and the least restrictive district listed last.

- B. In addition, the following special zoning districts are established as set forth in Table 20-20. The application of these districts is limited to specific geographic areas of the City as set forth in Section 20.70.010.

Table 20-20 Special Zoning Districts	
Zoning District	Zoning Map Symbol
DC Downtown Primary Commercial	DC
DR Downtown Primary Residential	DR
DRC Downtown Residential Conservation	DRC

**SECTION 2.** Section 20.10.070 of Chapter 20.10 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.10.070 Planned Development District**

- A. The Planned Development District is hereby established as a City zoning district classification. It may be referred to as Planned Development Zone, Planned Development District or as PD District or PD Zone.
- B. Every PD District shall be combined with an alternative base zoning district or districts. Any zoning district set forth in Section 20.10.060 may be utilized as a base district. The zone shall be referred to by the symbol for its base district followed by its Planned District designation (e.g., A(PD)).
- C. The PD District shall be individually designed to meet the needs of the territory so zoned. It shall be adopted by a zoning ordinance which incorporates by reference a General Development Plan for the entirety of the subject property. The General Development Plan shall include drawings and text as specified in Section 20.120.510.
- D. Development of the subject property can hereafter occur only pursuant to an effective PD Permit issued in strict conformity with the adopted General Development Plan or alternatively, in accordance with requirements for the base district if one exists.

- E. Under no circumstances shall the City ever be required to issue a PD Permit. The discretion to grant or deny such Permit is untrammelled and nothing contained in this Title shall be deemed or construed to limit this discretion in any way whatsoever. Unless and until a PD Permit has been issued and becomes effective, the subject territory may be used only as if it were situated in the base district alone.

**SECTION 3.** Section 20.30.010 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.30.010 Residential Zoning Districts**

- A. This Chapter sets forth the land use and development regulations applicable to the Residential Zoning Districts established by Section 20.10.060.
- B. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the R-1, R-2, R-M, and R-MH Residential Districts except as set forth in this Chapter.
- C. The purposes of the Residential Districts are as follows:

1. R-1 Single-Family Residence District

The purpose of the single-family residence district is to reserve land for the construction, use and occupancy of single-family subdivisions. The allowable density range for the R-1 Districts is 1 to 8 dwelling units per acre.

2. R-2 Two-Family Residence District

The purpose of the two-family residence district is to reserve land for the construction, use and occupancy of single-family and two-family subdivisions. The allowable density range for the R-2 District is 8 to 14.5 dwelling units per acre.

3. R-M Multiple Residence District

The purpose of the multiple residence district is to reserve land for the construction, use and occupancy of higher density residential development. The maximum allowable density range for the R-M District is 25 dwelling units per acre.

#### 4. R-MH Mobilehome Park District

The purpose of the mobilehome park district is to reserve land for the construction, use and occupancy of mobilehome development.

**SECTION 4.** Section 20.30.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

#### **20.30.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-50.
- B. "Conditional" uses are indicated by a "C" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. Land uses not Permitted are indicated by a "-" on Table 20-50. Land uses not listed on Table 20-50 are not Permitted.
- E. When the right column of Table 20-50 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-50: Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Residential Uses					
One-family dwelling	P	P	P	C	Note 1, Section 20.30.110
Two-family dwelling	-	P	P	-	Note 2, Section 20.30.110
Multiple dwelling	-	-	P	-	
Guesthouse	-	-	C	-	Section 20.30.120
Mobilehome Parks	-	-	-	P	

<b>Table 20-50: Residential Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Travel Trailer Parks	-	-	-	C	
Residential Care Facility, six or fewer persons	P	P	P	P	
Residential Care Facility, seven or more persons	-	-	C	C	
Residential Service Facility, six or fewer persons	P	P	P	P	
Residential Service Facility, seven or more persons	-	-	C	C	
Servants quarters attached to a one-family dwelling or attached to a garage structure	P	-	-	-	Note 3
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
Single Room Occupancy Living Unit	-	-	C	-	Part 15, Chapter 20.80
<b>Residential Accessory Uses and Improvements</b>					
Accessory buildings and structures	P	P	P	P	Note 4, Section 20.80.200
Home Occupations	P	P	P	P	Part 9, Chapter 20.80
<b>Entertainment and Recreation Related</b>					
Equestrian and riding club	C	-	-	-	
Golf course	C	C	C	-	Note 5
Private club or lodge	-	-	C	-	
Swim and tennis club	C	C	C	C	
<b>Education and Training</b>					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
School- elementary and secondary (Public)	P	P	P	-	
School- elementary and secondary (Private)	C	C	C	-	
<b>Public, Quasi-Public and Assembly Uses</b>					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
<b>Health and Veterinary Services</b>					
Emergency ambulance service	C	C	C	C	
<b>General Services</b>					
Bed & Breakfast	C	C	C	-	
<b>Transportation and Utilities</b>					
Community television antenna systems	C	C	C	C	

<b>Table 20-50: Residential Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Off-site, alternating use and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	Section 20.90.150
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Section 20.80.1900
<b>Electrical Power Generation</b>					
Stand-by/Backup					
Facilities that do not exceed noise or air standards	S	S	S	S	
Facilities that do exceed noise or air standards	-	-	-	-	
Photovoltaic	P	P	P	P	Note 6
Wireless communication antenna, building mounted	C	C	C	C	Section 20.80.1900

**Notes:**

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH Districts.
2. Only one dwelling structure per lot in the R-2 District.
3. Only permitted in the R-1-1 Estate Residential District.
4. No lot may be used solely for an accessory structure or building.
5. No driving ranges or miniature golf facilities.
6. Photovoltaic (PV) systems in the R-M zoning district may be processed through a Site Development Permit Adjustment or Planned Development Permit Adjustment. PV systems for single-family or duplex lots do not require Planning approval.

**SECTION 5.** Section 20.30.110 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.30.110 Incidental Uses**

In addition to the occupancy of a dwelling as a residence, the following incidental uses are permitted:

1. The rental of rooms in a one-family dwelling to up to three guests and in a two-family dwelling to up to two guests, by each family if such use is clearly incidental to the occupancy of the dwelling unit by said family as its own residence, and such rental is for a period of time longer than thirty (30) days and there are no more than six (6) persons living in the dwelling.



2. State Licensed Family Day Care Home.
3. The following non-commercial activities:
  - a. A garage sale consisting of the occupants' personal property;
  - b. Sale of goods hand-produced by the occupants;
  - c. Sales parties held for the purpose of selling goods to invited guests. Such parties shall be held inside a permanent structure or in the rear yard of the dwelling unit.
3. To qualify as a non-commercial activity:
  - a. No more than two (2) such sales are allowed in any calendar year;
  - b. No such sale can be conducted for more than four (4) consecutive days;
  - c. Such sales shall only be conducted between the hours of nine o'clock a.m. and nine o'clock p.m.

**SECTION 6.** Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

**20.30.125     Residential Uses - Prohibition on Provision of Services to Nonresidents**

No residential use that includes the provision of services to residents may offer services to nonresidents.

**SECTION 7.** Section 20.30.280 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.30.280     Rear Setback - Exception – Additions to Single Family Residences**

In the R-1 Residence Districts, an addition, added to an existing one-family dwelling, which is a single story or an enclosed patio and which does not exceed one story above grade, shall have a minimum rear setback of fifteen feet (15'), provided that such addition shall not occupy more than fifty percent (50%) of the area between the rear setback as designated in Section 20.30.200 and said fifteen foot (15') rear setback.

**SECTION 8.** Section 20.30.400 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.30.400     Setback Areas - Setback Area to be kept Open, Unobstructed, and Unoccupied**

Except as otherwise expressly and specifically provided in other Sections of this Title, every part of every setback area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all buildings or structures except as follows:

1. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area;
2. In the R-1-2, R-1-1 and R-1-RR districts only, sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than four (4) feet into the air space above the surface of the ground in any setback area;
3. Bay windows, on a foundation or cantilevered, or chimneys of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into any setback area, provided that such extensions maintain a minimum side setback of three (3) feet and a rear setback of fifteen (15) feet;
4. Wells for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into the side and rear setback area, provided that such extensions maintain a minimum side setback of three (3) feet and a rear setback of fifteen (15);
5. Overhead wires necessary for utility service to a building on the lot;
6. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical and other utility needs of the lot or of a building on the lot; and
7. Walks and driveways for vehicular or pedestrian access to the lot provided that in the R-M Residence district, no part of any such walk or driveway situate in any setback area which abuts upon a public street shall be more than two feet above nor more than one foot below the surface grade of the public street on which such setback area abuts. As used in the preceding sentence "surface grade" shall mean the average grade at top of curb, or if

there is no curb then at the centerline, of that linear portion of the public street which abuts such setback area.

8. Mechanical equipment, including but not limited to, pool equipment and HVAC equipment, may be placed in the rear setback and must maintain a five (5) foot setback from the rear property line, maintain a setback from the side property line a distance equal to that of the side setback requirements of the respective zoning district, and adhere to the required front setback of the respective zoning district.

**SECTION 9.** Section 20.30.410 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.30.410     Stairs and Porches**

Unenclosed porches and stairways, if they do not extend more than three feet above surface grade, may extend into a front setback area not more than five (5) feet. Porches and stairs can be covered.

**SECTION 10.** Section 20.30.420 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.30.420     Rear Setbacks - Projections Into**

The following encroachments are Permitted into the air space above the surface of the ground in the rear setback area required Section 20.30.200; provided, however, that the horizontal distance, measured at any and all points between the vertical projection of any accessory building or structure (except an uncovered swimming pool, no part of which, other than diving boards, slides and ladder rails, is more than twelve inches above surface grade) and the vertical projection of such encroachments shall be not less than six feet, said Permitted encroachments being as follows:

1. In the R-M Residence District, balconies, decks and corridors of the residential building if they are uncovered and unenclosed, and if the lowest part thereof is not less than eight (8) feet above surface grade, may project horizontally for a distance of not more than five (5) feet into the air space above the surface of the ground in the rear setback area as set for in Table 20-60. Such balconies, decks and corridors shall not be supported by nor attached to any columns or walls situate in such required rear setback area which is covered by them or be enclosed with glass, screening or walls of any kind nor shall any glass, screening or walls of any kind situate in such required rear setback area be attached to them.

2. Fire escapes of the residential building, if they are uncovered and unenclosed, and if the lowest part thereof when in a retracted position is not less than eight (8) feet above surface grade, may project horizontally for a distance of not more than five (5) feet into the air space above the surface of the ground in the rear setback area required by Section 20.30.200.
3. Eaves of the residential building and/or a roof (e.g., a patio cover) which is attached to the residential building may project horizontally for a distance of not more than four (4) feet into the air space above the surface of the ground in the rear setback area required by other provisions of this Title. Such eaves and/or such roof shall not be supported by nor attached to any columns or walls situate in such required rear setback area; nor shall any part of such required rear setback area which is covered by such eaves and/or such roof be enclosed with glass, screening or walls of any kind, nor shall any glass, screening or walls of any kind situate in such required rear setback area be attached to any part of such eaves or such roof.
4. Eaves of the residential building and/or a roof (e.g., a patio cover) which is attached to the residential building may project for a greater distance than four feet into the air space above the surface of the ground in the rear setback area required by Section 20.30.200, provided that:
  - a. Such eaves and/or such roof may cover up to, but not more than, fifteen percent (15%) of such required rear setback area;
  - b. No part of that portion of such eaves and/or of such roof which encroaches more than four feet into such required rear setback area shall be less than seven (7) feet above surface grade;
  - c. No part of that portion of such eaves and/or of such roof which encroaches more than four feet into such required rear setback area shall be more than ten (10) feet above surface grade;
  - d. No part of that portion of such eaves and/or of such roof which encroaches more than four feet into such required setback area shall have a vertical thickness of more than thirty-six (36) inches;
  - e. Such eaves and/or such roof may be supported by columns which are situate in such required rear setback area, but shall not be supported by nor attached to walls which are situate in such required rear setback area;
  - f. No part of such eaves nor of such roof nor of any columns supporting such eaves and/or such roof shall be closer than fifteen (15) feet, horizontally, to the rear property line; and

- g. No part of such required rear setback area which is covered by such eaves and/or such roof shall be enclosed with glass, screening or walls of any kind nor shall any glass, screening or walls of any kind situate in such required rear setback area be attached to any part of such eaves, such roof or columns supporting such eaves and/or such roof.

**SECTION 11.** Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.40.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by a "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not Permitted.
- F. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.
- G. The first column under Applicable Sections & Notes identifies further regulations on the uses in a portion of the CG Zoning District which apply to ground floor building space defined as Downtown Ground Floor Space ("DG Area") in Section 20.200.295. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the CG Zoning District.

Table 20-90: Commercial Districts Land Use Regulations						
Use	Zoning District				Applicable Notes & Sections	
	CO	CP	CN	CG	Add'l Use Regulations for the DG Area	Applicable to all Commercial Districts
<b>General Retail</b>						
Retail sales, goods and merchandise	-	P	P	P	Note a	
Alcohol, off-site sales	-	C	C	C		Section 20.80.900
Bakery, retail	-	P	P	P		
Food, beverage, groceries	-	P	P	P		
Nursery, plant	-	P	P	P		Note 1
Outdoor vending	-	A	A	A		Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	Note b	See Title 6
Seasonal sales					C	Part 14, Chapter 20.80
<b>Education and Training</b>						
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P		
Day care center	C	C	C	C	Note c	
Instructional art studios	-	P	P	P	-	Note 2
Instructional art studios, with live models	-	C	C	C	-	Note 2
Private Instruction, personal enrichment	-	P	P	P	-	Note 3
School- elementary and secondary (Public)	P	P	P	P	-	
School- elementary and secondary (Private)	-	C	C	C	-	
School, driving (class C & M license)	-	P	P	P	-	Note 4
School, post secondary	-	P	P	P	-	Note 5
School, trade and vocational	-	C	C	C	-	
					Note d	
<b>Entertainment and Recreation Related</b>						
Arcade, amusement	-	C	C	C	Note e	
Dancehall	-	C	C	C		
Entertainment	-	C	C	C		
Poolroom/Billiards Establishment	-	C	C	C		
Private club or lodge	C	C	C	C	-	
Recreation, Commercial (indoor)	-	P	P	P		
Recreation, Commercial (outdoor)	-	C	C	C		
Theatre, indoor	-	C	C	C		
Theatre, outdoor	-	-	-	C		

Table 20-90: Commercial Districts Land Use Regulations						
Use	Zoning District				Applicable Notes & Sections	
	CO	CP	CN	CG	Add'l Use Regulations for the DG Area	Applicable to all Commercial Districts
<b>Food Services</b>						
Banquet facility	-	C	C	C		
Caterer	-	P	P	P	C Note f	Note 6
Drinking establishments	-	C	C	C		
Public eating establishments	-	P	P	P		
<b>Health and Veterinary Services</b>						
Animal boarding, indoor	-	P	P	P	-	Section 20.40.120
Animal grooming	-	P	P	P	-	Section 20.40.120
Emergency ambulance service	C	C	C	C	-	
Hospital/ in-patient facility	C	C	C	C	-	
Medical clinic/ out-patient facility	P	P	P	P	-	
Medical, dental and health practitioner	P	P	P	P	-	
Veterinary clinic	-	P	P	P	-	Note 7
<b>General Services</b>						
Bed and Breakfast	-	P	P	P		Part 2, Chapter 20.80
Dry cleaner	-	P	P	P		
Hotel/motel	-	P	P	P		
Laundromat	-	P	P	P		
Maintenance and repair, small household appliances	-	P	P	P	-	
Messenger services	P	P	P	P	-	Note 8
Mortuary and funeral services	P	P	P	P	-	
Personal services	-	P	P	P	Note g	
Photo processing and developing	-	P	P	P		
Printing and publishing	-	P	P	P	Note h	
<b>Offices and Financial Services</b>						
Automatic Teller Machine	P	P	P	P		Section 20.80.200
Business Support	-	P	P	P	-	
Financial Institution	P	P	P	P	C Note i	
Offices, business and administrative	P	P	P	P	- Note j	Section 20.40.110

Table 20-90: Commercial Districts Land Use Regulations						
Use	Zoning District				Applicable Notes & Sections	
	CO	CP	CN	CG	Add'l Use Regulations for the DG Area	Applicable to all Commercial Districts
<b>Public, Quasi-Public and Assembly Uses</b>						
Cemetery	C	C	C	C	-	
Church/Religious Assembly	C	C	C	C		
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	Note k	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	-	C	C	C	Note k	
<b>Residential</b>						
Emergency residential shelter	C	C	C	C	-	Section 20.80.500
Live/Work	-	S	S	S	-	Section 20.40.130
Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note l	Note 9
Residential Care Facility for seven or more persons	C	C	C	C	-	
Residential Service Facility for seven or more persons	C	C	C	C	-	
Single Room Occupancy Hotel	-	C	C	C	-	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	-	Part 15, Chapter 20.80
<b>Drive-Through Uses</b>						
Drive-through in conjunction with any use	-	-	C	C	-	Part 15, Chapter 20.80
<b>Recycling Uses</b>						
Reverse vending	A	A	A	A	-	
Small collection facility	A	A	A	A	-	
<b>Transportation and Utilities</b>						
Communications service exchange	-	-	-	C	-	
Community television antenna systems	C	C	C	C	-	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	-	Section 20.90.200
Parking establishment, off-street	C	C	C	C	-	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	-	
Television, radio studios without antenna/dishes	-	-	-	C	-	



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Table 20-90: Commercial Districts Land Use Regulations						
Use	Zoning District				Applicable Notes & Sections	
	CO	CP	CN	CG	Add'l Use Regulations for the DG Area	Applicable to all Commercial Districts
Short term parking lot for uses or events other than on-site	-	-	-	C		Note 10
Wireless communication antenna	C	C	C	C	-	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	-	Section 20.80.1900
<b>Electrical Power Generation</b>						
Co-Generation Facility	S	S	S	S		
Stand-by/Backup						
Facilities that <b>do not</b> exceed noise or air standards	S	S	S	S		
Facilities that <b>do</b> exceed noise or air standards	C	C	C	C		
Temporary Stand-by/Backup	A	A	A	A		
Photovoltaic	P	P	P	P		Note 15
<b>Vehicle Related Uses</b>						
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	-	Note 18
Auto broker, retail	-	-	P	P	-	
Auto broker, wholesale, no on-site storage	P	P	P	P	-	
Car wash, detailing	-	-	C	C	-	
Gas or charge station	-	C	C	P	-	Note 11
Gas or charge station with incidental service and repair	-	C	C	P	-	Note 12, Note 18
Glass sales, installation and tinting	-	-	C	P	-	Note 18
Sale or lease, commercial vehicles	-	-	C	C	-	Note 16, Note 17
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	-	Note 17, Note 18
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	C	-	Note 16
Sale, vehicle parts	-	C	P	P	-	Note 14
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	-	C	P	-	Note 13, Note 18

**Notes Applicable to the DG Area Only:**

- (a) Excluding second-hand stores not dealing primarily in antiques, artworks, or vintage clothing.
  - (b) Only as a use incident to a retail jewelry store, otherwise, not permitted.
  - (c) Only as a use incident to existing on-site office use, otherwise, not permitted.
  - (d) Culinary/Art School with public classes and public demonstrations allowed.
  - (e) Allowed only as an incident use to other allowed recreation uses.
  - (f) Only as a use incident to restaurant, grocery or bakery uses, otherwise, not permitted.
  - (g) Permitted Use includes mail service centers but excludes check-cashing services.
  - (h) Only if dedicated primarily to on-site retail customer copy services, otherwise, not permitted.
  - (i) Only if dedicated primarily to on-site retail customer services, otherwise, not permitted.
  - (j) Exception for travel agencies and real estate agencies which are the only permitted uses.
  - (k) Excludes community centers.
  - (l) Subject to all other ground floor use regulations.
- 

**Notes Applicable to all Commercial Districts:**

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) Includes such areas as dance, music, martial arts and fine arts.
- (3) Includes such areas as driving, language, and academics.
- (4) No on site storage of vehicles permitted.
- (5) Includes public and private colleges and universities, as well as extension programs and business schools.
- (6) Not a catering facility.
- (7) No boarding, except for patient care.
- (8) No on site storage of vehicles permitted.
- (9) Make sure General Plan supports mixed use or residential.
- (10) Use must be less than twenty-four (24) hours.
- (11) No incidental repair or service permitted. No retail sale of food, grocery items or alcoholic beverages may be approved. See Section 20.80.550.
- (12) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting. No retail food, grocery items or alcohol. See Section 20.80.550.
- (13) Non engine and exhaust related service and repair allowed as incidental.
- (14) No outdoor sales areas or dismantling allowed.
- (15) Photovoltaic (PV) systems may be processed through a Site Development Permit Adjustment or Planned Development Permit Adjustment.
- (16) No on-site storage of vehicles permitted.
- (17) In the CG District, incidental storage of vehicles, and incidental repair of vehicles in addition to what otherwise would be permitted, requires a Conditional Use Permit. Incidental storage and repair of vehicles is prohibited in all other commercial districts.
- (18) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

**SECTION 12.** Section 20.40.200 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.40.200 Development Standards**

All development in the Commercial Zoning Districts shall conform to the development regulations set forth below in Table 20-100.

<b>Table 20-100 Commercial Zoning Districts Development Standards</b>				
Regulations	Zoning District			
	CO	CP	CN	CG
Minimum Lot Area (square feet or acreage)	6,000	6,000	6,000	1 acre (none if lot is located in a shopping center with shared access and shared parking among the lots)
Minimum Setback (feet)				
Front	15	no minimum, 10 feet maximum	15	25
Side, Interior	5	None	none	none
Side, Corner	12.5	None	12.5	12.5
Rear, Interior	25	25	none	none
Rear, Corner	25	25	none	none
Maximum Height (feet)	35	50	50	65
Maximum Number of stories	3	4	4	8
Maximum Floor Area Ratio	3			
Maximum Individual Occupant Square Footage (square feet)		2,500/Personal service shop  5,000/Eating, drinking or entertainment establishment  15,000/all other uses		
Parking	See Chapter 20.90			

**SECTION 13.** Section 20.40.260 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.40.260 Front Setback - Exception, CP District**

The Director may grant an exception to the maximum front setback for a lot in the CP Commercial District if he finds that the adjacent lot(s) have a greater setback and the allowance of a greater setback on the subject lot would promote a more consistent pattern of development, and/or the greater setback is needed to accommodate building design elements.

**SECTION 14.** Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended by adding a section to be numbered and entitled and to read as follows:

**20.40.525 Residential Uses - Prohibition on Provision of Services to Nonresidents**

No residential use which includes the provision of service to residents may offer services to nonresidents.

**SECTION 15.** Section 20.40.560 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.40.560 Screening Adjacent to Residentially Zoned Properties**

Any use conducted on any property shall be effectively screened at the property line from any abutting property in a Residential District. The screening required hereby shall be a masonry wall or a solid wooden fence five (5) feet in height, except that any portion thereof situate in the required setback area from abutting public streets shall be not more than four (4) feet; and in the event such use included any outdoor activity, such screening shall also include such trees or plants as the Director deems reasonable necessary to effectively screen such use from the adjoining Residence District. Such screening shall at all times be maintained in good condition and be kept free at all times of signs. In addition, where a use involving outdoor activity is on a lot or parcel adjoining a Residential District, such lot or parcel shall be landscaped in a manner approved by the Director.

**SECTION 16.** Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.50.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Conditional" uses are indicated by a "C" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

"Conditional" uses which may only be approved on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay are indicated by a "CM" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- C. "Special" uses are indicated by a "S" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by a "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.
- F. When the right column of Table 20-110 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Industry				
Auction		C	C	
Industrial Services	-	P	P	
Laboratory, processing	-	P	P	
Manufacturing and Assembly				
Light	P	P	-	
Medium	-	P	P	
Heavy	-	-	P	
Research and Development	P	-	-	
Catalog and mail order	P	P	-	
Construction/Corporation yard	-	C	C	
Distribution facility	C	P	P	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	C	
Hazardous materials storage	-	C	C	
Hazardous waste facility	-	CM	C	
Junkyard	-	-	C	
Miniwarehouse/ministorage	-	P	P	
Outdoor uses or storage	-	C	P	Section 20.50.210
Private power generation	C	C	C	Note 1
Stockyard, including slaughter	-	-	C	
Warehouse	-	P	P	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Wholesale sale establishment	C	P	P	
<b>Additional Uses</b>				
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	C	
Commercial support	P	-	-	Section 20.50.110
<b>General Retail</b>				
Nursery, plant	-	-	CM	
Outdoor vending		A	A	Part 10, Chapter 20.80
Retail or wholesale commercial entity, single occupant greater than 100,000 gross square feet	CM	CM	-	
Sales, office furniture, industrial equipment, machinery	-	C	-	
Seasonal Sales	P	P	P	Part 14, Chapter 20.80
<b>Education and Training</b>				
Day care center	CM	CM	CM	
School, driving (class A & B license)	-	P	P	
School, trade and vocational	-	CM	-	
<b>Entertainment and Recreation Related</b>				
Equestrian and riding club	-	CM	CM	
Health club, gymnasium	CM	CM	CM	
Performing arts production/rehearsal space	CM	CM	CM	
Swim and Tennis club	-	CM	CM	
Theatre, outdoor	-	-	CM	
<b>Food Services</b>				
Public eating establishments	CM	CM	CM	
<b>Health and Veterinary Services</b>				
Emergency ambulance service	CM	CM	CM	
Medical clinic/ out-patient facility	CM	-	-	
<b>General Services</b>				
Crematory	-	CM	C	
Hotel/motel	CM	-	-	
Personal services	CM	CM	CM	
Photo processing and developing	P	P	P	
Printing and publishing	P	P	P	
Social Service Agency	CM	CM	-	
<b>Offices and Financial Services</b>				
Automatic Teller Machine	P	P	P	Section 20.80.200
Financial institution	CM	CM	CM	
Offices, business and administrative	P	-	-	
<b>Public, Quasi-Public and Assembly Uses</b>				

<b>Table 20-110 Industrial Districts Land Use Regulations</b>				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Cemetery	CM	CM	CM	
Church/Religious Assembly	CM	CM	CM	
<b>Residential</b>				
Emergency residential shelter	-	CM	CM	Section 20.80.500
Living quarters, custodian, caretakers	-	-	C	Note 2
<b>Drive-Through Use</b>				
Drive-through in conjunction with any use	CM	CM	CM	
<b>Recycling Uses</b>				
Recycling processing facility	C	S	S	
Recycling transfer facility	C	S	S	
Large collection facility	-	-	P	
Reverse vending	A	A	A	
Small collection facility	A	A	A	
<b>Transportation and Utilities</b>				
Common carrier depot	C	C	C	Note 3
Community television antenna systems	C	C	C	
Communications service exchange	C	C	C	
Off-site, alternating and alternative use parking arrangements	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	
Parking establishment, off-street	C	C	C	
Television, radio studio	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	
Wireless communication antenna	C	C	C	Section 20.80.1900
<b>Electrical Power Generation</b>				
Base Load Facility			C	
Stationary Peaking Facility		C	C	
Transportable Peaking Facility		C	C	
Co-Generation Facility	S	S	S	
<b>Stand-by/Backup</b>				
Facilities that do not exceed noise and air standards	P	P	P	Note 6
Facilities that do exceed noise and air standards	C	C	C	
Temporary Stand-by-Backup	A	A	A	
Photovoltaic	P	P	P	
Wireless communication antenna, building mounted	P	P	P	Section 20.80.1900
<b>Vehicle Related Uses</b>				

<b>Table 20-110 Industrial Districts Land Use Regulations</b>				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Gas or charge station	-	CM	CM	Note 4
Gas or charge station with incidental service and repair	-	CM	CM	Note 5
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles		C		
Repair and cleaning of vehicles	-	P	P	Note 7
Sale or lease of commercial vehicles, trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	-	C	-	
Vehicle wrecking, including sales of parts	-	-	P	

**Notes:**

1. Back up generators for emergency purposes with a maximum individual output rating less than fifty (50) horse power and which have received an exemption or a permit to operate by the Bay Area Air Quality Management District are a permitted use when operated in conjunction with any permitted or conditional use.
2. Site must be seven (7) acres or more.
3. Includes associated office.
4. No incidental repair or service. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
5. Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check services, as well as tires, batteries and accessories installation. This use designation does not allow body repair or painting. All incidental repair activities shall be conducted within a fully enclosed building. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
6. Those facilities that meet specified criteria related to noise and air emissions may be processed through a Site Development Permit Adjustment or Planned Development Permit Adjustment.
7. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.

**SECTION 14.** Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended by adding a section to be numbered and entitled and to read as follows:

**20.50.220 Late Night Use and Activity**

- A. No establishment other than retail commercial uses, in any Industrial District shall be open between the hours of 12:00 midnight and 6:00 A.M. except pursuant to and in compliance with a Conditional Use Permit as provided in Chapter 20.100.
- B. No outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within one-hundred fifty (150) feet of any residentially zoned property



between the hours of 12:00 midnight and 6:00 A.M. except pursuant to and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

**SECTION 18.** Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended by adding a new section to be numbered and entitled and to read as follows:

**20.50.226 Residential Uses - Prohibition on Provision of Services to Nonresidents**

No residential use which includes the provision of service to residents may offer services to nonresidents.

**SECTION 19.** Section 20.50.300 of Chapter 20.50 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.50.300 Performance Standards**

A. In the IP, LI and HI Industrial Districts no primary, secondary, incidental or conditional use or activity related thereto shall be conducted or permitted:

1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
3. In a manner that creates a public or private nuisance.

B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Industrial Zoning Districts:

1. Incineration

There shall be no incineration on any site of any waste material.

2. Vibration

There shall be no activity on any site that causes ground vibration which is perceptible without instruments at the property line of the site.

### 3. Air Pollution

Total emissions from any use or combination of uses on a site shall not exceed the emissions thresholds of significance as established by the Bay Area Air Quality Management District (BAAQMD).

### 4. Noise

- a. The sound pressure level generated by any use shall not exceed the decibel levels in the designated octave bands shown below in Table 20-130.
- b. The sound pressure level generated by any use or combination of uses shall not exceed the decibel level at any property line as shown in Table 20-135, except upon issuance and in compliance with a Conditional Use Permit as provided in Chapter 20.100. In no case shall the sound pressure level exceed the levels as shown below in Table 20-130.

Table 20-130		
Noise Standards		
Octave Band Cycles Per Second	Maximum Permitted Sound Level in Decibels Along Residence Districts Boundaries or 125 feet from Plant or Operation Property Line, whichever is greater	Maximum Permitted Sound Level in Decibels Along Business District Boundaries or 125 feet from Plat or Operation Property Line, whichever is greater
0-75	72	79
75-150	67	74
150-300	61	68
300-600	56	62
600-1200	50	56
1200-2400	45	51
2400-4800	41	47
Over 4800	38	44

Table 20-135	
Additional Noise Standards	
	Maximum Noise Level in Decibels at Property Line
Industrial use adjacent to a property used or zoned for residential purposes	55
Industrial use adjacent to a property used or zoned for commercial purposes	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

**SECTION 20.** Section 20.80.300 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.80.300 Conversion Of Dwellings, Permit Required**

- A. No one-family dwelling in any District shall be converted to any other use except upon issuance of and in compliance with a:
  - 1. Site Development Permit for conversion to a two-family dwelling or a multiple dwelling; or
  - 2. Special Use Permit for conversion to any nonresidential use identified as a permitted, or special use in the District with the one-family dwelling; or
  - 3. Conditional Use Permit for conversion to any nonresidential use identified as a conditional use in the District with the one-family dwelling.
- B. No two-family dwelling or multiple dwelling in any District shall be converted to any other use except upon issuance of and in compliance with a:
  - 1. Site Development Permit for conversion to a one-family, two-family, or multiple dwelling; or
  - 2. Special Use Permit for conversion to any nonresidential use identified as a permitted, or special use in the District with the two-family or multiple-family dwelling; or
  - 3. Conditional Use Permit for conversion to any nonresidential use identified as a conditional use in the District with the two-family or multiple-family dwelling.
- C. Nothing contained in this Section shall be deemed or construed to permit approval of any one-family dwelling, two-family dwelling or multiple dwelling use in any District in which such use is not otherwise allowed pursuant to the provisions of Chapters 20.20 through 20.70 of this Title.

**SECTION 21.** Section 20.80.420 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.80.420 Demolition Defined**

For the purpose of this Part, "demolition" means removal of more than fifty percent (50%) of the exterior walls of a building.

1. A wall, or portion of a wall, is deemed "removed" when its structure is removed or moved to another location or elevation on site, or when the wall is enclosed behind newly constructed space.
2. For the purposes of calculating the amount of exterior walls removed, the remaining exterior walls must be contiguous.
3. Removal and replication of framing and/or siding for purposes of repair only does not constitute removal or demolition.

**SECTION 22.** Section 20.80.550 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.80.550 Gasoline Service Station Combined Uses**

No permit under this Title shall be issued which would allow both a gasoline service station and the retail sale of food, grocery items, or alcoholic beverages. This limitation does not apply to the retail sale of prepackaged soft drinks, cigarettes, and snack foods from automatic vending machines.

**SECTION 23.** Section 20.80.720 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.80.720 Prohibited Uses**

The following are not permitted as home occupations:

1. Animal breeding.
2. Appliance repair, other than the repair of small household appliances, as defined in Section 20.200.550.
3. Firearm sales and service.
4. Motorized garden tool repair, such as, but not limited to, lawnmowers, chainsaws, and leaf blowers.
5. Massage parlor, as provided in Part 1 of Chapter 20.80 of this Title, and the business of massage as provided in Section 6.44.010, Subsection A, of Chapter 6.44 of Title 6.
6. Pest control.
7. Upholstery and furniture repair.

8. Food catering.
9. Vehicle-related uses such as, but not limited to, the following: storage of vehicles, cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, towing, driving schools, and dispatching of vehicles located at the site.
10. Welding.
11. Any use which requires a Hazardous Materials Permit from the Fire Department.
12. Any Off-Sale of Alcohol.
13. Any other use which does not comply with each of the criteria provided in Table 20-160.

**SECTION 24.** Section 20.80.890 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.80.890 Conditions of Issuance**

All outdoor vending facilities must comply with the following conditions:

1. Vending facilities coming within the definition of "mobile food preparation unit," "vehicle," or "temporary food facility" as set forth in the Health and Safety Code of the State of California, Division 22, Chapter 4, Article 2, Sections 27526, 27538, and 27540, or their successors, shall, as a condition of approval for issuance of a Special Use Permit under this Part evidence and display at all times a current health permit issued to the vendor for the vending facility by the Health Officer of the County of Santa Clara.
2. As a condition of approval of a Administrative Permit for a vending facility, the operator of such facility shall provide to the Director of Planning an agreement signed by the owner of the lot or parcel, or the owner or operator of the fixed base use, if different from the owner of the lot or parcel, to provide the support facilities required by this Part.
3. A vendor shall attend the vending facility at all times.
4. The vendor shall maintain the area around the vending facility in a clean and orderly fashion.
5. The vending facility shall be maintained in a manner which does not create a public or private nuisance. For purposes of this Part, a nuisance shall mean

any act or omission which obstructs or causes substantial inconvenience or damage to the public or any member thereof, in the course of, or by the manner of, the exercise of rights created by the grant of the Administrative Permit.

6. Vending facilities shall be kept in a good state of repair and shall be maintained with surfaces which are clean and not cracked, peeling, or faded.
7. Each vending facility shall display in a manner legible and visible to its clientele:
  - a. The name and phone number of the vendor operating the vending facility;
  - b. The Administrative Permit number and date of issuance issued to the vending facility; and
  - c. The number of the City business license issued to the vending facility.
8. The hours of operation of a vending facility shall be limited to the hours of operation of the fixed-base businesses on the fixed-base host site, however no vending facility shall operate during the hours from 10:00 p.m. through 6:00 a.m. During hours in which the fixed-base host site businesses are closed, the vending facility shall be removed from the parcel or lot on which it operates, or shall be stored indoors.

**SECTION 25.** Section 20.80.1000 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.80.1000 Permit Required**

- A. No person shall place or operate or allow or suffer the placement or operation of any pay telephone which serves the members of the public on any privately owned parcel or lot that does not meet the criteria set forth in Table 20-180.
- B. A pay telephone which does not meet the criteria set forth in Table 20-180 may be approved with a Special Use Permit issue pursuant to this Title.

**Table 20-180  
Pay Telephone Criteria**

<b>Location</b>	<p>1. Pay telephones shall be located inside a building; or, attached to the wall of the building outside or free-standing within one foot of the outside wall, measured horizontally from the wall, at a distance no greater than twenty five (25) feet from the primary entrance to the building, and in no case on a wall other than that containing the primary entrance.</p> <p>2. All outside pay telephones shall allow for a minimum five (5) foot pedestrian access between the pay telephone and the edge of the walk or the private property line, whichever is closer.</p> <p>3. No pay telephones shall be allowed on any unimproved parcel.</p>
<b>Quantity</b>	No more than two exterior pay telephones per building are allowed.
<b>Lighting</b>	Lighting is limited to the pay telephone fixture. No additional lighting shall be placed on the wall of the building except by approval of the Director.
<b>Signage</b>	<p>1. Signage shall be limited to the pay telephone fixture and not exceed one square foot. No signage shall be constructed independent of such pay telephone fixture.</p> <p>2. Signage is limited to identification of the pay telephone. No independent advertisement is allowed.</p>

**SECTION 26.** Section 20.80.1010 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.80.1010 Amortization**

Any pay telephone for use by the general public existing on February 19, 2001, which does not conform to the provisions of this Part, shall be regarded as a nonconforming use. Any such pay telephone existing on September 21, 2001 that does not conform to the additional provisions of this Part that became effective on that date, regarding location of a public pay telephone on a wall containing a primary entrance and/or regarding a minimum five (5) foot pedestrian access between the public pay telephone and the private

property line, shall be regarded as a nonconforming use. Such pay telephones shall abide by the provisions for amortization in Sections 20.150.300 of this Title.

**SECTION 27.** Section 20.80.1210 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.80.1210 Regulation of Use**

The following regulations shall apply to all seasonal outdoor Halloween pumpkin and Christmas Tree sales lots:

1. Seasonal outdoor Halloween pumpkin sales are allowed between October 1 and November 5, inclusive;
2. Seasonal outdoor Christmas tree sales are allowed between November 6 and December 30, inclusive;
3. Temporary Structures and buildings 120 square feet or less in floor area are allowed if they are located at least 20 feet from any property line;
4. Activity associated with seasonal outdoor Halloween pumpkin and Christmas tree sales may not be conducted on any portion of a lot which is closer than one hundred (100) feet to any residentially used lot.
5. Seasonal outdoor Halloween pumpkin and Christmas tree sales must occur in an area designated for such sale as set forth in any development permit issued for the site.

**SECTION 28.** Section 20.80.1400 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.80.1400 Outdoor Private Property Special Event**

An Outdoor Private Property Special Event is a temporary outdoor use of private property that meets the criteria in either subsection 1 or 2 below.

1. The Outdoor Private Property Special Event will displace required parking for the existing use or uses on the site. Required parking for purpose of this Part includes parking required under Chapter 20.90, except in the case of a City approved street closure which prevents access to such required parking.
2. The Outdoor Private Property Special Event requires a permit under the jurisdiction of any of the following agencies:



- a. San Jose Police Department;
- b. San Jose Fire Department;
- c. California Department of Alcohol Beverage Control; or
- d. California Department of Motor Vehicles.

**SECTION 29.** Section 20.80.1750 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.80.1750 Temporary Antenna Trailer - Permit Required**

- A. A Temporary Antenna Trailer for the testing of a wireless communication network requires the following Permit:
  - 1. An Administrative Permit, as provided in Chapter 20.100 of this Title, and in conformance with the requirements of this Section and Section 20.80.1760; or
  - 2. In the event the owner cannot meet the requirements of this Part or the Director denies an Administrative Permit, a Conditional Use Permit, as provided in Chapter 20.100.
- B. All Applications for Permit for a Temporary Antenna Trailer shall set forth facts demonstrating to the satisfaction of the Director that the Temporary Antenna Trailer will be used to determine if the site is necessary for a Wireless Communications Network.
- C. All Applications shall demonstrate that the proposed Temporary Antenna Trailer shall be maintained in conformance with the provisions of Section 20.80.1760.

**SECTION 30.** Section 20.90.060 of Chapter 20.90 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.90.060 Number of Parking Spaces Required**

- A. Each land use shall provide, on site, at least the minimum number of parking spaces required by Table 20-190, unless a modification has been granted pursuant to Section 20.90.220 or 20.90.230.
- B. All required parking shall be made available to residents, patrons and employees of a use on the site.
- C. All parking spaces shall be standard size spaces as set forth in Section 20.90.100. Alternatively, a Development Permit may:

1. Authorize all off-street parking spaces to be uniform-size car spaces, as set forth in Section 20.90.100; or
  2. Allow up to forty (40) percent of the off-street parking spaces to be small car spaces as set forth in Section 20.90.100. The remainder of the required off-street parking spaces shall be standard car space as defined in Section 20.100.
- D. If the number of off-street parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.
- E. Whenever alternative units of measurement are specified in Tables 20-190, 20-200 or 20-210 for computing off-street parking requirements for any given use, the unit of measurement which provides the greatest number of off-street parking spaces for such use shall control.
- F. The minimum number of off-street parking spaces required for any given use is the same irrespective of the district in which such use is conducted. In case of a use for which off-street parking requirements are not specified at all, the requirements for the most nearly similar use for which off-street parking requirements are specified shall apply.
- G. When two or more uses are located in the same lot or parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this Chapter 20.90, except as hereinafter provided for alternating uses.

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
<b>Agriculture and Resource Uses</b>		
Agriculture and Resource Uses	1 per employee	
<b>Drive-Through Uses</b>		
Drive-through in conjunction with any use	no additional parking required	
<b>Education and Training</b>		
Day care center	1 per 6 children, up to 5 spaces and thereafter 1 per 10 children (includes employee parking)	
Instructional studios	1 per 150 sq. ft. of floor area	
Private instruction, personal enrichment	1 per 3 students, plus 1 per staff	

<b>Table 20-190</b> <b>Parking Spaces Required by Land Use</b>		
<b>Use</b>	<b>Minimum Parking Required</b>	<b>Applicable Sections</b>
School- elementary (K-8) (Private and Public)	1 per teacher, plus 1 per employee	
School- secondary (9-12) (Private and Public)	1 per teacher, plus 1 per employee, plus 1 per 5 students	
School, post secondary	1 per 3 students, plus 1 per staff	
School, trade and vocational	1 per 3 students, plus 1 per staff	
<b>Entertainment and Recreation</b>		
Arcade, amusement	1 per 200 sq. ft	
Bowling establishment	7 per lane	
Dancehall	1 per 40 sq. ft. open to public	
Driving range	1 per tee, plus 1 per employee	
Golf course	8 per golf hole, plus 1 per employee	
Health club, gymnasium	1 per 80 sq. ft. recreational space	
Miniature golf	1.25 per tee, plus 1 per employee	
Performing arts production per rehearsal space	1 per 150 sq. ft. of floor area	
Poolroom	1 per 200 sq. ft.	
Private club or lodge	1 per 4 fixed seats on the premises, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	
Recreation, Commercial (indoor)	1 per 80 sq. ft. of recreational area	
Recreation, Commercial (outdoor)	20 per acre of site	
Skating rink	1 per 50 sq. ft. of floor area	
Swim and tennis club	1 per 500 sq. ft. of recreation area	
Motion picture theatre, indoor	1 per 3 seats in theaters with 1-3 screens; 1 per 3.3 seats with 4+ screens	
Motion picture theatre, outdoor	1 per 300 sq. ft.	
Theaters, Auditoriums, Sports Arenas, and Stadiums-- with or without fixed seats	1 per 4 fixed seats on the premises, plus 1 per 7 linear feet of fixed benches, or 1 per 30 square feet of floor area used for assembly	

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<b>Table 20-190</b> <b>Parking Spaces Required by Land Use</b>		
<b>Use</b>	<b>Minimum Parking Required</b>	<b>Applicable Sections</b>
<b>Food Services</b>		
Banquet facility	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	
Caterer w/eating facility (not a catering facility)	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	
Caterer w/no public interface	1 per 250 sq. ft.	
Drinking establishments	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the greater number of parking spaces	
Entertainment (with any food or alcohol service)	1 per 40 sq. ft. of floor area open to the public	
Public eating establishments	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	
Take-out Only Establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)	1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)	
<b>General Retail</b>		
Alcohol, off-site sales	1 per 200 sq. ft.	Part 11, Chapter 20.80
Auction house	1 per 2 seats, or 1 per 50 sq. ft. of auction area exclusive of warehouse area	
Food, beverage, groceries	1 per 200 sq. ft.	
Plant nursery	1 per 200 sq. ft.	
Open air sales establishments and areas	1 per 200 sq. ft.	
Outdoor vending	3 parking spaces	Part 10, Chapter 20.80
Pawn shop/broker	1 per 200 sq. ft.	
Retail or wholesale commercial entity, single occupant greater than 100,000 gross square feet	1 per 200 sq. ft.	
Retail sales, goods and merchandise	1 per 200 sq. ft.	
Retail sales of furniture	1 per 250 sq. ft.	
Sales, appliances, industrial equipment, and machinery	1 per 1000 sq. ft.	
Neighborhood Shopping Center (minimum 150,000 sq. ft. in size), includes a mix of permitted and conditional uses	1 per 225 sq. ft.	Note 1

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**Table 20-190**  
**Parking Spaces Required by Land Use**

Use	Minimum Parking Required	Applicable Sections
<b>General Services</b>		
Bed and Breakfast	2 spaces, plus 1 per guest room, plus 1 per employee	
Crematory	1 per full-time employee	
Dry cleaner	1 per 200 sq. ft.	
Hotel/motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220(C)
Laundromat	1 per 200 sq. ft.	
Maintenance and repair, small consumer goods	1 per 200 sq. ft.	
Messenger services	1 per 200 sq. ft., plus 1 per company vehicle	
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	
Personal services	1 per 200 sq. ft.	
Photo processing and developing	1 per 200 sq. ft.	
Printing and publishing	Minimum 1 per 350 sq. ft., maximum 5% over minimum required.	
Social Service Agency	1 per 250 sq. ft.	
<b>Health and Veterinary Services</b>		
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft.	
Animal grooming	1 per 200 sq. ft.	
Emergency Ambulance Station	1 per employee, plus 1 per on-site staff, plus 1 per facility vehicle	
Hospital per in-patient facility	1 per 2.5 beds	
Medical clinic/out-patient facility	1 per 250 sq. ft.	
Medical, dental and health practitioner	1 per 250 sq. ft.	
Veterinary clinic	1 per 250 sq. ft.	
<b>Industry</b>		
Catalog and mail order house	1 per 250 sq. ft. of office space plus, plus 1 per 1000 sq. ft. of warehouse and distribution area	
Distribution facility	A minimum of two (2) for facilities with a floor area under five-thousand (5,000) square feet; a minimum of five (5) for facilities with a floor area between five thousand (5,000) sq. ft. and	

<b>Table 20-190 Parking Spaces Required by Land Use</b>		
<b>Use</b>	<b>Minimum Parking Required</b>	<b>Applicable Sections</b>
Distribution facility ( <i>cont.</i> )	twenty-five thousand (25,000) sq. ft.; for facilities in excess of twenty-five thousand (25,000) sq. ft. a minimum of one (1) per five-thousand (5,000) sq. ft. or a fraction thereof	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	1 per 350 sq. ft.	
Hazardous materials storage	1 per employee plus 1 per company vehicle	
Hazardous waste facility	1 per employee plus 1 per company vehicle	
Industrial Services	1 per 350 sq. ft. of floor	
Junkyard	1 per employee	
Laboratory	1 per 350 sq. ft. of floor area	Note 2
Manufacturing and Assembly, Light, Medium, Heavy	1 per 350 sq. ft. of floor area plus 1 per company vehicle; maximum of 5% over minimum parking required	Note 2
Miniwarehouse/ministorage	1 per 2,000 sq. ft., plus 1 per resident manager	
Outdoor storage	1 per employee	
Private power generation	1 per employee plus 1 per company vehicle	
Research and Development	1 per 300 sq. ft. of floor area; maximum of 5% over minimum parking required	Note 2
Stockyard, including slaughter	1 per employee	
Warehouse	A minimum of two (2) for warehouses with a floor area under five-thousand (5,000) square feet; a minimum of five (5) for warehouses with a floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for warehouses in excess of twenty-five thousand (25,000) sq. ft. a minimum of one (1) per five-thousand (5,000) sq. ft. or a fraction thereof	
Wholesale sale establishment	1 per 2,000 sq. ft. of floor area, plus 1 per company vehicle	

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<b>Table 20-190</b> <b>Parking Spaces Required by Land Use</b>		
<b>Use</b>	<b>Minimum Parking Required</b>	<b>Applicable Sections</b>
<b>Offices and Financial Services</b>		
Automatic Teller Machine (Free standing)	2 per machine	
Business support	1 per 200 sq. ft. plus 1 per company vehicle	
Financial institution	1 per 250 sq. ft.	
Offices, business and administrative	1 per 250 sq. ft.	
Private security	1 per 250 sq. ft. office space, plus 1 per employee plus 1 per company vehicle	
<b>Public, Quasi-Public and Assembly Uses</b>		
Cemetery	1 per full-time employee	
Church/Religious Assembly	1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship.	
Community television antenna systems	1 per company vehicle	
Museums and libraries (Privately and publicly operated)	1 per 300 sq. ft. of area open to the public	
Parks and playgrounds	1 per 500 sq. ft.	
Community centers	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	1 per 1.5 employees, plus 1 per company vehicle	
<b>Recycling Uses</b>		
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	
Small collection facility	1 per attendant	
<b>Residential</b>		
Emergency residential shelter	1 per 4 beds, 1 per 250 square feet of floor area which is used for office purposes	Section 20.90.220(C)
Guesthouse	1 per guest room, plus 1 per each employee	
Live/Work	No additional parking required above what is required for commercial use parking	
Living quarters, custodian, caretakers	1 per living unit	

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<b>Table 20-190</b> <b>Parking Spaces Required by Land Use</b>		
<b>Use</b>	<b>Minimum Parking Required</b>	<b>Applicable Sections</b>
Mixed Use/Ground floor commercial with residential above	Respective commercial and residential parking requirements combined	
Multiple dwelling	See Table 20-210, required parking is determined by the type of parking facility and the number of bedrooms	
One family dwelling	2 covered	Section 20.90.220(B)
Residential Care or Service Facility	1 per first 6 client beds, plus 1 additional space for up to 4 client beds (or portion thereof) above the first six, plus 1 additional space for each additional four client beds (or portion thereof), plus 1 space for each employee or staff member.	Section 20.90.220(C)
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	
SRO Facilities within 2,000 ft. of public transportation		
SRO Residential Hotels	.25 per SRO unit	
SRO Living Unit Facilities with shared kitchen and bathroom facilities	.25 per SRO unit	
SRO Living Unit Facilities with partial or full kitchen and bathroom facilities	1 per SRO unit	
SRO Facilities not within 2,000 ft. of public transportation	1 per SRO unit	
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	1 per guest room, plus 1 per employee	
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit	
Travel Trailer Parks	1 per employee	
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms	



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<b>Table 20-190</b> <b>Parking Spaces Required by Land Use</b>		
<b>Use</b>	<b>Minimum Parking Required</b>	<b>Applicable Sections</b>
<b>Transportation and Utilities</b>		
Common carrier depot	1 per employee, plus 1 per company vehicle	
Communication service exchange	1 per 250 sq. ft. of office/meeting/technician work space, plus 1 per employee, plus 1 per 1000 sq. ft. of space devoted to computer equipment space	
Television and radio studio	1 per 250 sq. ft. of space devoted to office use	
Wireless communication antenna	1 per site	
<b>Vehicle Related Uses</b>		
Accessory installation, passenger vehicles and pick-up trucks	4 per vehicle work station, plus 1 per employee	
Auto broker, retail w/on-site storage	See Vehicle sales and leasing	
Auto broker, wholesale, no on-site storage	1 per 250 sq. ft.	
Car wash	1 per employee, plus stacking as follows: self service - 5 cars per lane  full service – 15 cars (may be in multiple lanes)	Note 3
Gas or charge station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	
Gas or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	
Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	
Repair and cleaning per detailing of vehicles	4 per grease rack or vehicle work station, plus 1 per employee	
Sale or lease of vehicles	1 per 350 sq. ft. enclosed showroom; 1 per 2,500 sq. ft. open area, plus 2 per service bay	
Exclusively indoors sales	1 per 200 sq. ft.	
Auto rental agency	1 per 400 sq. ft., plus 1 per rental vehicle	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Sale, vehicle parts	1 per 200 sq. ft.	
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	4 per grease rack or vehicle work station, plus 1 per employee, plus	
Vehicle wrecking, including sales of parts	1 per employee	

**Notes:**

1. A covenant of easement is required when multiple parcels are involved.
2. At the time a site is first developed or redeveloped the maximum number of parking spaces on site shall not exceed the required parking (as determined by the uses set forth on the application for the Development Permit) plus an additional five percent (5%).
3. Stacking shall be calculated at twenty (20) feet per car.

Table 20-200 Two-family Dwelling			
Living Unit Size	Type of Parking Facility		
	All Open Parking	One-Car Garage	Two-Car Garage
0 Bedroom (Studio)	1.5	1.5	2.0
1 Bedroom	1.5	2.0	2.0
2 Bedroom	2.0	2.0	2.0
3 Bedroom	2.0	2.0	2.0
Each Additional Bedroom	0.25	0.25	0.25

Table 20-210 Multiple Dwelling			
Living Unit Size	Type of Parking Facility		
	All Open Parking	One-Car Garage	Two-Car Garage
0 Bedroom (Studio)	1.5	1.6	2.2
1 Bedroom	1.5	1.7	2.3
2 Bedroom	1.8	2.0	2.5
3 Bedroom	2.0	2.2	2.6
Each Additional Bedroom	0.15	0.15	0.15

**SECTION 31.** Section 20.90.100 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

## 20.90.100 Design Standards

- A. All off-street parking spaces shall conform to the design requirements set forth in Table 20-220.
- B. Off-street parking spaces for small cars shall be marked as such.
- C. Notwithstanding the provisions of this Section, the approving person or body pursuant to the provisions of this Title may allow reduction of the minimum width of certain twenty-six (26) foot aisles on a site to not less than twenty (20) feet, provided such reduction will not impair the safe and convenient accessibility of the parking spaces affected thereby, and the safety of the site, as otherwise provided in this Section.

Table 20-220 Design Requirements - Off-Street Parking Spaces					
	Angle of Off-Street Parking Space from wall, curb or fence (Parking Angle in Degrees)				
	90	60	45	30	0
Minimum Width of Parking Space (feet)					
Full-size car spaces	9	9	8.5	8.5	8
Small car spaces	8	8	8	8	8
Uniform-size car spaces	8.5	8.5	8.5	8.5	8
Length of Space (feet) <sup>NOTE 1</sup>					
Full-size car spaces	18	19.8	18.7	16.4	22
Small car spaces	16	17.6	16.6	14.6	20
Uniform-size car spaces	17	18.7	17.7	15.5	21
Minimum width of one-way aisle (feet)					
Full-size car spaces	20	16	15	14	12
Small car spaces	20	16	15	14	12
Uniform-size car spaces	20	16	15	14	12
Minimum width of two-way aisle (feet)	26	26	26	26	26

NOTE 1: Length of Space means the minimum distance measured at right angles, from wall, curb, or fence, to nearest edge of aisle (length of stall perpendicular to aisle).

**SECTION 32.** Section 20.90.220 of Chapter 20.90 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

## 20.90.220 Reduction in Required Off-Street Parking Spaces

- A. Alternative Transportation
1. A reduction in the required off-street parking spaces of up to ten percent (10%) may be authorized with a Development Permit for structures or uses located within 2,000 feet of a proposed or an existing rail station, and areas designated as neighborhood business districts in the City's General

Plan. If no Development Permit is required, a development exception may authorize a reduction.

**B. One-family Dwellings**

1. A reduction in the required off-street parking may be authorized with a Development Permit, or a Special Use Permit if no Development Permit is required, for one-family dwellings. The reduction may be made if the following criteria are met:
  - a. At least one covered parking space is provided; and
  - b. No more than one dwelling occupies the lot; and
  - c. The location of the required covered parking is set back a minimum of sixty (60) feet from the front property line and fifty (50) feet from the side corner property line; and
  - d. The required covered parking is accessed by a driveway of a width no less than ten (10) feet and no more than twelve (12) feet; and
  - e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
  - f. No additional paving in the front setback shall be designated or used for parking; and
  - g. The floor area of the covered parking structure does not exceed three hundred and fifty (350) square feet; and
  - h. The covered parking structure shall meet all other applicable regulations of this Title.

**C. Other Uses**

- a. A reduction in the required off-street parking for SROs, emergency residential shelters, residential care/service facilities and convalescent hospitals, hotels/motels, bed and breakfast inns, and senior housing uses may be approved with a Development Permit provided that such approval is based upon the findings in Subsection B of Section 20.90.200.

**SECTION 33.** Section 20.100.220 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

## **20.100.220 Appeal - Hearing Body**

Decisions on permits or approvals pursuant to this Chapter are subject to appeal as set forth in Table 20-260 which lists the initial decision maker and the decision making body which will hear any appeal.

<b>Table 20-260 Appeal Hearing Body</b>		
<b>Application</b>	<b>Initial Decision Making Body</b>	<b>Appeal Decision Making Body</b>
Administrative Permit	Director of Planning	No Appeal
Site Development Permit	Director of Planning	Planning Commission
Single-Family House Permit	Director of Planning Director of Planning City Council	No Appeal
Administrative Decision		Planning Commission
Director's Hearing		No Appeal
City Council Public Hearing	City Council	No Appeal
Planned Development Permit	Director of Planning	Planning Commission
Special Use Permit	Director of Planning	Planning Commission
Conditional Use Permit	Planning Commission	City Council
Variance	Director of Planning	Planning Commission
Exception	Director of Planning	Planning Commission
Sidewalk Café Permit	Director of Planning	City Council
Tree Removal Permit	Director of Planning	Planning Commission

**SECTION 34.** Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended by adding a new section to be numbered and entitled and to read in its entirety as follows:

### **20.100.435 Window Glazing**

Unless otherwise indicated on an approved plan or in the approved permit, all first-floor, ground floor windows for any commercial use shall consist of transparent glass.

**SECTION 35.** Section 20.100.460 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

### **20.100.460 On-Site Recycling**

On-Site recycling of construction debris and/or materials shall only be allowed in conjunction with an approved Development Permit which sets forth the conditions applicable to such activity.

**SECTION 36.** Section 20.100.500 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

## **20.100.500 Adjustments**

- A. The Director may, at his sole discretion, approve an adjustment for the following:
1. Changes to an approved Development Permit but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
  2. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
  3. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing Planned Development Permit.
  4. Building Mounted Wireless Communications Antenna.
  5. Tract sales, model home sales, or leasing offices associated with an approved housing development.
  6. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
- B. An application for an adjustment must be filed on the form provided by the Director and accompanied by the fees as set forth in the Schedule of Fees adopted by resolution of the City Council.
- C. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the Director shall be final. If the Director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for a Development Permit.
- D. Where property was developed prior to the requirement of a Site Development Permit, adjustments may be approved without the necessity of the issuance of a full Site Development Permit.

**SECTION 37.** Section 20.100.610 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

## **20.100.610 Site Development Permit Required**

- A. A valid Site Development Permit, issued under this Part, is required prior to the issuance of any building permit or installation permit for the following activities:
1. Erection, construction, enlargement, placement or installation of a building or structure on any site, except for one, one-family dwelling on a single lot or parcel that would not be subject to Part 9 of Chapter 20.100 regarding requirements for a Single Family House Permit; or
  2. Erection, construction, enlargement, placement or installation of a one-family dwelling on a single lot or parcel as provided for in Section 20.100.1030 (A)(4) regarding Single Family House Permits; or
  3. Exterior alteration of a building or structure; or
  4. Use of a lot for storage purposes; or
  5. Installation of pavement on any portion of a lot; or
  6. Underground installation.
- B. No single Site Development Permit shall be issued for more than one site. However, the removal and relocation of a building from one parcel to another separate parcel located within the City requires a single application pertaining to both parcels pursuant to Section 20.100.650.
- C. The provisions of this Part shall not apply:
1. If a Permit is expressly not required by Section 20.100.1030 of this Title or a Permit is issued under other provisions of this Chapter unless procurement of a Site Development Permit is made an express condition of such Permit.
  2. If temporary structures or buildings are to be constructed on a lot situate in a CP, CN or CG Commercial Districts, the IP, LI or HI Industrial Districts, or an A Agricultural District and are intended to be and are used in connection with the sale of Christmas trees or Halloween pumpkins in accordance with this Title, and remain on the site only for the temporary period specified for such uses in this Title.
  3. If the underground installation is for the sole purpose of replacing an existing underground tank or tanks with a new tank or tanks whether or not total tank capacity on the site is increased.

4. If re-roofs or skylights are installed on existing dwellings provided that the parcel has four (4) or fewer dwellings.
5. Accessory structures on lots with a one-family house, unless a Permit is otherwise required by this Title.

**SECTION 38.** Section 20.100.910 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.100.910 Planned Development Permit Required**

Unless the base zone is being utilized:

- A. No building or structure shall be erected, constructed, enlarged, placed or installed or moved onto any site nor shall there be any exterior alteration of any structure which is in a planned development district, and no building permit or installation permit shall be issued for such work, except pursuant to and in accordance with a Planned Development Permit.
- B. No use shall be added, changed, modified, enlarged or altered on any site which is in a planned development district except pursuant to and in accordance with a Planned Development Permit.
- C. A Planned Development Permit may be issued for all or any part of the property situate in a Planned Development District.
- D. A Planned Development Permit or amendment to a Planned Development Permit may be issued for:
  1. The use of new dwelling units, which are not yet occupied for residential purposes, as model homes or sales offices in connection with the sale of dwelling units in a planned development district.
  2. The use of structures, such as mobilehomes, as sales offices in connection with the sale of dwelling units in a planned development district.
  3. The use of land in the Planned Development District for off-street parking or other uses incidental to the sales office or model home operation. Such use shall be limited to the duration of the sales office or model home operation.
- E. A Planned Development Permit is not required for building additions, exterior alterations, and accessory structures on parcels six thousand square feet or less



which are used for single-family detached residential use if the additions, alterations, or structures:

1. Meet the development regulations of the R-1-8 residence district; and
2. The construction would not require the issuance of a Single Family House Permit, pursuant to Part 9 of this Chapter 20.100, if the property were not situated in a Planned Development Zoning District; and
3. The addition, alterations or accessory structures otherwise conform to the requirements of the Planned Development Zoning District.

**SECTION 39.** Section 20.100.1030 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.100.1030 Single Family House Permit Required**

A. No Single Family House Permit is required if:

1. The issuance of building permits will result in a single family house in any Residence District with a Floor Area Ratio equal to or less than forty-five hundredths (.45); and
  - a. The site is not a City Landmark or is not listed on the Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code; or
  - b. The site is not located in a Historic District or Historic Conservation Area pursuant to Chapter 13.48 of Title 13 of this Code.
2. The site is located in a Planned Development Zoning District. All construction in a Planned Development Zoning District shall be governed by the provisions of Part 8 of this Chapter which may require issuance of a Planned Development Permit for the review of any single-family house construction, addition, or alteration.
3. The issuance of buildings permits is for exterior alterations or maintenance of an existing single family house which alterations or maintenance:
  - a. Would not expand the exterior footprint or increase the overall square footage of the existing single family house; and
  - b. Meet the development regulations of the R-1-8 residence district;

4. The single family homes are approved with a single Site Development Permit issued pursuant to Part 5 of this Chapter. A Site Development Permit may be approved if the site is located:
  - a. In an R-1 Residential Zoning District; and
  - b. Includes construction of more than five (5) new single family homes.
- B. Unless specifically exempted by subsection A, a valid Single Family House Permit, issued under this Part, is required prior to the issuance of any building permit for the following activities:
  1. Erection, construction, enlargement, placement or installation of a single family house on any site; or
  2. Exterior alteration of a single family home.

**SECTION 40.** Section 20.100.1040 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.100.1040 Houses Requiring a Permit and Equal to or Less Than .65 FAR**

- A. If the issuance of building permits will result in a Single Family House with a Floor Area Ratio greater than forty-five hundredths (.45) but equal to or less than sixty-five hundredths (.65) and all of the following applicable criteria are met, issuance of a Single Family House Permit is subject to the Administrative Procedures set forth in this Part.
  1. Building Permits do not authorize removal of more than fifty percent (50%) or more of the exterior walls;
  2. Building Permits are for a single story ground floor addition;
  3. Building Permits are for a second story addition which results in a second story which is no larger than sixty percent (60%) of existing first floor area and which is set back ten (10) feet from the required front setback;
  4. Building permits do not authorize the enclosure or net loss of ten percent (10%) or more of an existing porch;
  5. Building Permits authorize an attached garage only if the houses on each side of the subject lot have existing attached garages;

6. Building Permits require the roofline, materials, trim and decoration details of the new construction to be the same as that on the existing house.
- B. If the issuance of building permits will result in a single family house with a Floor Area Ratio greater than forty-five hundredths (.45) but equal to or less than sixty-five hundredths (.65) and all the applicable criteria of subsection A are not met, issuance of a Single Family House Permit is subject to the Director Public Hearing Procedures set forth in this Part.

**SECTION 41.** Section 20.100.1200 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.100.1200 Applicability**

The provisions of this Part apply to and govern the issuance of all Permits made subject to the provisions of this Part. All permits governed under this Part shall hereinafter be referred to as Administrative Permits, and shall be issued by the Director.

**SECTION 42.** Section 20.100.1220 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.100.1220 Approval**

Any Administrative Permit for a Utility Structure approved pursuant to this Part shall contain the applicable conditions set forth in Part 19 of Chapter 20.80.

**SECTION 43.** Section 20.100.1230 of Chapter 20.100 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.100.1230 Notification of Denial**

- A. Whenever an Administrative Permit is denied hereunder, the Director shall notify the applicant in writing of the grounds upon which such denial is based.
- B. The applicant may seek a Special Use Permit if an Administrative Permit has been denied.

**SECTION 44.** Section 20.150.020 of Chapter 20.150 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.150.020 General Provisions**

- A. A legal nonconforming use may be continued indefinitely, but if such use is discontinued or abandoned for a period of six (6) months or more, it shall thereafter

conform to the provisions of this Title, unless the nonconforming use is reinstated with issuance of a Special Use Permit in accordance with Chapter 20.100.

B. A legal non-conforming structure may continue to be used or replaced as follows:

1. The restoration and/or replacement of a legal nonconforming structure wholly or partially destroyed by a catastrophic event or sudden cause which is beyond the control of the property owner, and which could not otherwise have been prevented by reasonable care and maintenance of the structure is permitted.
  2. Failure to apply for a building permit within nine (9) months of destruction or failure to begin construction within three (3) months of the issuance of a building permit shall be deemed to be discontinuation or abandonment of the use pursuant to Subsection A.
  3. The building or structure, as restored, shall not occupy any portion of the lot or parcel not occupied by the building or structure when such destruction occurred unless the building or structure as restored will comply with all development regulations prescribed by this Title for the district in which the lot or parcel is situate.
  4. No building or structure shall be restored pursuant to this Section unless all Development and building permits required for new conforming uses in the district in which the use is located have been secured.
  5. Irrespective of where the building or structure, as restored, is located on the lot or parcel:
    - a. it shall not have a greater floor area than the building or structure contained when such destruction occurred; and
    - b. it shall not exceed the height of nor the number of stories contained in the building or structure at the time of such destruction; and
    - c. the off-street parking spaces and off-street loading spaces situate on the lot or parcel at the time of such destruction shall not be diminished in number or size.
- C. Any legal nonconforming use or structure which is enlarged, altered, converted, or changed, as provided in this Chapter, is subject to the parking requirements of Section 20.90.210 regarding any change in use.

**SECTION 45.** Section 20.150.080 of Chapter 20.150 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.150.080 Addition of New Uses**

- A. No additional nonconforming use may be added to a property which contains a legal nonconforming use.
- B. Additional uses which conform to the provisions of this Title may be added to a property which contains a legal nonconforming use only upon a finding that such proposed additional use is compatible with the existing nonconforming use or uses in terms of architecture as well as use. Such determination of compatibility shall be made as part of the consideration of any Site Development Permit or Conditional Use Permit required for such additional use by other provisions of this Code. If no Site Development Permit or Conditional Use Permit is otherwise required, such additional use shall be added only upon the issuance of and in compliance with a Special Use Permit as provided in this Title.

**SECTION 46.** Section 20.150.300 of Chapter 20.150 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.150.300 Amortization - Public Payphones**

- A. Any public pay telephone governed by the provisions of Part 12 of Chapter 20.80 which was a legal use on February 19, 2001 but which did not conform to the provisions of Part 12 of Chapter 20.80 on that date shall be terminated within six (6) months from February 19, 2001.
- B. Any public pay telephone governed by the provisions of Part 12 of Chapter 20.80 that was a legal use on September 28, 2001 but did not conform to the additional provisions of that Part 12 that became effective on that date, regarding location of a public pay telephone on a wall containing a primary entrance and/or regarding a minimum five (5) foot pedestrian access between the public pay telephone and the private property line, shall be terminated within six (6) months from September 28, 2001.

**SECTION 47.** Chapter 20.150 of Title 20 of the San Jose Municipal Code is hereby amended by adding a new section to be numbered and entitled and to read in its entirety as follows:

**20.150.330 Amortization - Incidental dancing and music**

Any incidental music or dancing associated with a bona fide public eating establishment or drinking establishment which is not part of a conditional use permit, and which was a legal

use on , September 28, 2001 shall be terminated within six (6) months from September 28, 2001. All incidental music after this date shall be as defined in Section 20.200.940.

**SECTION 48.** Chapter 20.160 of Title 20 of the San Jose Municipal Code related to reasonable accommodations is hereby amended by adding a new section to be numbered and entitled and to read in its entirety as follows:

**20.160.090 Appeal to Planning Commission**

- A. Within thirty (30) days after the Notice of Director's Decision, any person may appeal in writing to the Planning Commission.
- B. All appeals shall contain a statement of the grounds for the appeal.

**SECTION 49.** The title of Chapter 20.200 of Title 20 of the San José Municipal Code, which title is currently mislabeled as Chapter 20.170, is hereby amended to read as follows:

**CHAPTER 20.200  
DEFINITIONS**

**SECTION 50.** Section 20.200.020 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

**20.200.020 Accessory Building**

- A. "Accessory building: is a separate and subordinate building the use of which is purely incidental to that of the main building and which shall not contain living space, sleeping quarters, or storage space for commercial vehicles requiring additional registration fees as provided for in the State Vehicle Code. An accessory building shall be limited to two (2) plumbing connections to serve an appliance or fixture, and unconditioned space and defined in Title 24 of the San Jose Municipal Code.
- B. Any improvement to real property shall be considered separate from the main building if it does not meet the following criteria:
  - 1. The structure shares a common wall with the main building, or
  - 2. The structure shares an integral roof structure having the same framing system and roof covering as the main building and is separated from the main structure by no more than ten (10) feet and any given point.

**SECTION 51.** Section 20.200.180 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.200.180 Catalogue and Mail Order**

A business establishment that is primarily organized to promote, receive, and fill requests for merchandise or services through the mail.

**SECTION 52.** Section 20.200.290 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.200.290 Downtown Core Area**

"Downtown core area" means that area delineated as such on the Land Use/Transportation Diagram of the General Plan of the City of San Jose as amended.

**SECTION 53.** Section 20.200.500 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.200.500 Hazardous Waste Facility**

A "hazardous waste facility" means a site, including all contiguous land and structures, used for the treatment, transfer, storage, resource recovery, or recycling of hazardous waste, as defined in California Health and Safety Code Section 25117.

**SECTION 54.** Section 20.200.510 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.200.510 Height**

The "height" of a structure at any point is the vertical distance between its top surface and the "grade" immediately below it. For purposes of this Section, "grade" shall be determined as follows:

1. For any point on the top surface of a structure, "grade" is the intersection of the vertical line, through said point, with a straight line which passes through:
  - a. The vertical line, and
  - b. The nearest point of the property line nearest to the vertical line, and
  - c. A point on a second property line opposite to the first property line.

Said property lines shall be property lines of the same lot on which the structure being measured is constructed or installed and said property lines shall be assumed to lie on the surface of the finished ground elevation.

2. When the point described in Subsection 1.b or in Subsection 1.c of this Section is more than seventy-five (75) feet from the nearest exterior surface of the structure, such point shall be moved along the same bearing, as was established pursuant to Subsection A of this section, to a point at finished ground elevation and seventy-five (75) feet from said exterior surface.
3. When there is an on or off-site retaining wall located within six (6) inches of the property line at the point established by Subsection 1.b or by Subsection 1.c, said point shall be moved along the same bearing, as was established pursuant to Subsection 1, to a point at finished ground elevation and twelve (12) inches off-site.

**SECTION 55.** Section 20.200.570 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.200.570 Industrial Services.**

"Industrial Services" includes establishments providing industrial services to individuals or businesses. This classification includes dry cleaning plants; metal, machine and welding shops; cabinetry and woodworking shops; furniture upholstery shops; and similar business engagements in custom fabrication and repair.

**SECTION 56.** Section 20.200.700 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.200.700 Lot Line**

"Lot line" is defined to include:

1. "Front lot line" is the boundary line of a lot which abuts a public street.
2. "Front lot line of a residentially zoned corner lot" is the narrower lot line abutting a public street.
3. "Side lot line" is the boundary line of a lot which intersects the front lot line, the rear lot line, and any other side lot line.
4. "Side corner lot line of a residentially zoned corner lot" is the longer of the two boundary lines abutting a public street.



5. "Rear lot line" is the boundary line of a lot which is opposite, and does not intersect, the front lot line.

**SECTION 57.** Section 20.200.730 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.200.730 Manufacturing and Assembly, Heavy.**

"Heavy Manufacturing and Assembly" means manufacturing of products from raw or unprocessed materials, where the finished product may be combustible or explosive. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment, that cannot be integrated into the building design, or engaging in large-scale outdoor storage. any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified as under this land use. This use shall include any packaging of the product being manufactured on-site.

Examples include, but are not limited to, the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production.

**SECTION 58.** Section 20.200.940 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.200.940 Public Eating Establishment**

"Public eating establishment" is a building or area where meals may be purchased and eaten. As an incident to the operation of an public eating establishment which is a bona fide public eating place, as defined in California Business and Professions Code Section 23038, or its successor:

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**PASSED FOR PUBLICATION OF TITLE** this 14th day of August, 2001, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, DANDO, DIQUISTO, LeZOTTE,  
REED, SHIRAKAWA, WILLIAMS, YEAGER; GONZALES

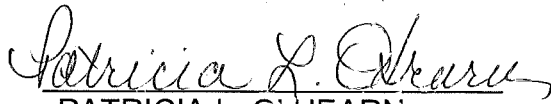
NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

  
\_\_\_\_\_  
RON GONZALES  
Mayor

ATTEST:

  
\_\_\_\_\_  
PATRICIA L. O' HEARN  
City Clerk

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**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of Santa Clara ) ss

Notice Type: GORSJ SAN JOSE ORDINANCE (1 PUB)

Ad Description: ORDINANCE #26455

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the City of San Jose, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Santa Clara, State of California, under date of February 3, 1922, Case No. 27,844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

08/21/01

Executed on: 08/21/01  
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

  
Signature

This space for filing stamp only

SJ#: 286764

**ORDINANCE NO. 26455**

An Ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code by amending Sections 20.10.070, 20.30.100, 20.30.110, 20.30.400, 20.30.420, 20.40.100, 20.40.200, 20.40.260, 20.50.100, 20.50.300, 20.80.300, 20.80.420, 20.80.720, 20.80.1000, 20.80.1010, 20.90.060, 20.90.220, 20.100.220, 20.100.500, 20.100.610, 20.100.1030, 20.100.1040, 20.100.1200, 20.100.1220, 20.100.1230, 20.150.300, 20.150.320, 20.200.020 and adding Sections 20.30.125, 20.40.515, 20.40.525, 20.50.225, 20.50.226, 20.100.435, 20.150.330 and 20.160.090, to alter the development regulations in commercial and residential zoning districts, to include provisions requiring certain vehicle-related uses to occur within fully enclosed buildings, to require a conditional use permit for uses without a permanent, fully enclosed building on-site in industrial districts, to allow for outdoor vending in certain industrial districts with an administrative permit, to include "Leasing of Passenger Vehicles" as a conditional use in the LI Industrial Zoning District, to change "Construction/Corporation Yard" in the LI Industrial Zoning District to a conditional use, to include a requirement that pay telephones on private property be located on the same wall as a primary entrance to the use of the site, to include an additional finding of 350 square feet maximum when considering an exception to required parking for a one-family dwelling, to include at standard condition for widow glazing for ground floor retail commercial uses, to include amortization provisions for legal nonconforming incidental dancing and music in public eating and drinking establishments, to reestablish provisions prohibiting residential uses that provide services to residents from providing services to nonresidents, and amending several Sections of Title 20 of the San Jose Municipal Code to correct typographical errors in and implement clarifying and technical changes to the recently revised and adopted zoning code  
Passed for publication of Title this 14th day of August, 2001, by the following vote:  
AYES: Campos, Chavez, Cortese, Oando, Diquisto, LeZotte, Reed, Shirakawa, Williams, Yeager; Gonzales  
NOES: None  
ABSENT: None  
DISQUALIFIED: None  
RON GONZALES, Mayor  
ATTEST:  
PATRICIA L. O'HEARN, City Clerk  
08/21/01

SJ- 286764#